

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN ENNEN and CAROL SANDVIG,

Plaintiffs,

v.

AMERICAN GENERAL LIFE
INSURANCE COMPANY, et al.,

Defendant.

CASE NO. C09-1655MJP

ORDER ON DAMAGES

The above-entitled Court, having received and reviewed

1. Defendant's Submission and Calculation in Accordance with October 22, 2010 Order (Dkt. No. 29)
2. Plaintiffs' Response to American General's Submission and Calculation (Dkt. No. 33)

and all attached declarations and exhibits, makes the following ruling:

IT IS ORDERED that damages for Defendant's breach of contract will be calculated as follows: the "last rate of which the parties had notice" will be a rate represented by the lump sum

1 payment originally made on the policy (\$16,668.34) divided by the number of years Herbert
2 Ennen lived from the inception of the policy to his death (19.36 years). This yields a monthly
3 rate of \$860.97. The total amount of unpaid premiums, plus interest, will be subtracted from the
4 amount of the policy benefit (plus interest) to yield the damages amount.

5 IT IS FURTHER ORDERED that pre-judgment interest will be calculated at the federal
6 interest rate per 28 U.S.C. § 1961(a) in the following fashion:

- 7 1. On the premium payments, from the date of the lapse of the policy until the date
8 of Herbert Ennen's death;
- 9 2. On the policy benefit amount, from the date of Herbert Ennen's death until
10 October 25, 2010.

11 The parties are ordered to confer and, if possible, submit a stipulated order on the amount
12 of damages. If there is still disagreement concerning the amount, the parties shall submit a joint
13 CR 37 pleading. In either event, the deadline for submission is November 29, 2010.

14 There is currently a pretrial conference set in this matter for November 24, 2010 at 10:00
15 a.m. Any party believing that there remain any issues for resolution in this matter is ordered to
16 contact the Court by November 23, 2010 and so indicate. If the Court does not hear from either
17 side by November 23, the pretrial conference will be stricken, along with the trial date.

18 The clerk is ordered to provide copies of this order to all counsel.

19 Dated: November 18, 2010.

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22 Marsha J. Pechman
23 United States District Judge
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